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Deliver to: Bob A. Phunkulh Art Group: 2661  
Company Name: USPTO  
Facsimile No.: 703 872-9306 Date: December 5, 2004  
From: William W. Schaal, Reg. No. 39,018  
Our Docket No.: 82771P269 Number of pages 15 including this sheet.  
Application: 09/246,578 Filing Date: 2/5/1999

Subject

Re-Submission of Response to Final Office Action

Remarks

This is a re-submission of our Response to Final Office Action originally submitted on September 28, 2004 as evidenced by the copy our facsimile transmission receipt and the copy of the Auto-Reply Facsimile Transmission received from the Patent and Trademark Office.

Confidentiality Note: The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

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# FACSIMILE COVER SHEET

Deliver to: Bob A. Phunkulh, USPTO Art Group: 2661  
Facsimile No.: 703 872-9306 Date: September 28, 2004  
From: William W. Schaal, Reg. No. 39,018  
Our Docket No.: 82771P269 Number of pages 12 including this sheet.  
Application No.: 09/246,578 Filing Date: 2/5/1999  
Docket Due Date(s): 9/28/2004 10/28/20

**Enclosed are the following documents:**

<input checked="" type="checkbox"/> Amendment: <u>After Final</u> ( <u>8</u> pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief (in triplicate) ( <u>    </u> pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: _____ ( <u>    </u> pgs) w/cover & abstract)	<input type="checkbox"/> Petition for: _____
<input type="checkbox"/> Assignment & Cover Sheet ( <u>    </u> pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Certificate of <u>Facsimile</u> _____	<input type="checkbox"/> Reply Brief ( <u>    </u> pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Declaration & POA ( <u>    </u> pgs)	<input type="checkbox"/> Request to Rescind Previous Nonpublication Request
<input type="checkbox"/> Drawings: <u>    </u> sheets, <u>    </u> figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time: _____	<input type="checkbox"/> Response to Written Opinion ( <u>    </u> pgs)
<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & PTO/SB/08 ( <u>    </u> pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Transmittal Letter

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)**

*I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.*

Tu T. Nguyen

**09/28/2004**

Date \_\_\_\_\_

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TO: Fax Sender at 7145573347

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9/28/2004 5:40:11 PM [Eastern Daylight Time]

**Total Pages:**

12 (including cover page)

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Page

09/26/2004 11K 14:58 FAX T1A35973447 HXF/ C

L2661

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**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**

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Tel/Fax: (714) 557-1800      Intellectual Property Law  
12401 Wilshire Boulevard, 7TH Floor  
Los Angeles, CA 90025      Facsimile: (714) 557-3347

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**FACSIMILE COVER SHEET**

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Deliver to: Bah A. Phunkuth, USPTO      Art Group: 2661

Facsimile No.: 203.872-9306      Date: September 28, 2004.

From: William W. Scheel, Reg. No. 39,018

Our Docket No.: 8277/P269      Number of pages 12 including this sheet.

Application No.: 09/246,578      Filing Date: 2/5/1999

Docket Due Date(s): 9/28/2004 / 10/28/2004

Enclosed are the following documents:

<input checked="" type="checkbox"/> Amendment: <u>After Final</u> ( <u>8</u> pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief (in triplicate) ( <u>  </u> pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application _____	<input type="checkbox"/> Petition for _____
( <u>      </u> pgs) w/cover & abstract)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input type="checkbox"/> Assignment & Cover Sheet ( <u>  </u> pgs)	<input type="checkbox"/> Reply Brief ( <u>      </u> pgs)
<input checked="" type="checkbox"/> Certificate of <u>Examination</u>	<input type="checkbox"/> Request & Confirmation Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request to Reconsider Previous Nonpublication Request
<input type="checkbox"/> Declaration & POA ( <u>      </u> pgs)	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Drawings: <u>      </u> sheets, <u>      </u> figures	<input type="checkbox"/> Response to Written Opinion ( <u>      </u> pgs)
<input type="checkbox"/> Extension of Time:	<input type="checkbox"/> Terminal Disclaimer
<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input type="checkbox"/> IGC & PTO/SUSIS ( <u>      </u> pgs)	<input checked="" type="checkbox"/> Transmittal Letter
<input type="checkbox"/> Other _____	

**CERTIFICATE OF MAILING/TRANSMISSION OF U.S. LTR**

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[Signature]      09/28/2004  
To: Phunkuth      Date

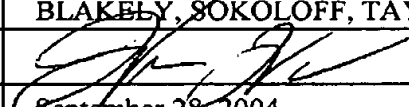
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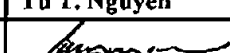
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/246,578
		Filing Date	February 5, 1999
		First Named Inventor	Robert J. Dalias
		Art Unit	2661
		Examiner Name	Bob A. Phunkulh
Total Number of Pages in This Submission	11	Attorney Docket Number	82771P269

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response  <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> PTO/SB/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)  <div>Remarks</div>	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Other Enclosure(s) (please identify below): <div></div>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	September 28, 2004

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.			
Typed or printed name	Tu T. Nguyen		
Signature		Date	September 28, 2004

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 08/04/2004  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

# FEE TRANSMITTAL for FY 2004

Effective 01/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT** (\$)

**Complete if Known**

Application Number	09/246,578
Filing Date	February 5, 1999
First Named Inventor	Robert J. Dalias
Examiner Name	Bob A. Phunkulh
Art Unit	2661
Attorney Docket No.	82771P269

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account

Deposit Account Number: 02-2666

Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

**FEE CALCULATION**
**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

**2. EXTRA CLAIM FEES**

Total Claims: 20 \* =  X  =

Independent Claims: 4 =  X  =

Multiple Dependent:  =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple Dependent claim, if not paid	
1204	88	2204	43	**Rescue independent claims over original patent	
1205	18	2205	9	**Rescue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

\*or number previously paid, if greater. For Reissues, see below

**FEE CALCULATION (continued)**
**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920 *	1804	920 *	Requesting publication of SIR prior to Examiner action	
1805	1,840 *	1805	1,840 *	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1404	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1480	130	2480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify):					

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

**SUBMITTED BY**
**Complete if applicable**

Name (Print/Type)	William W. Schaal	Registration No. (Attorney/Agent)	39,018	Telephone	(714) 557-3800
Signature		Date	09/28/04		

Based on PTO/SB-17 (10-93) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 02/10/2004.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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Effective 01/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT** (\$)

**Complete if Known**

Application Number	09/246,578
Filing Date	February 5, 1999
First Named Inventor	Robert J. Dalias
Examiner Name	Bob A. Phunkulh
Art Unit	2661
Attorney Docket No.	82771P269

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number: 02-2666

Deposit Account Name: Blakely, Sokoloff, Taylor &amp; Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20

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Independent Claims		- 4 =		X		=	
Multiple Dependent							

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Fee Code	Fee (\$)	Fee Code	Fee (\$)		
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\*\*or number previously paid, if greater. For Reissues, see below

**FEE CALCULATION (continued)**
**3. ADDITIONAL FEES**

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1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify):					
* Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$)

**SUBMITTED BY**

Name (Print/Type): William W. Schaal

Registration No. (Attorney/Agent): 39,018

Telephone: (714) 557-3800

Signature:

Date: 09/28/04

 Based on PTO/SB/17 (10-93) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 02/10/2004.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450